



Real Property Ownership Policies

Adopted June 22, 2016



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I. BACKGROUND

As the Regional Transportation Planning Agency, the Transportation Agency for Monterey County's primary planning, funding and project delivery responsibilities have not required ownership of a substantial amount of property. However, as TAMC works to increase passenger rail service in Monterey County, the Agency has had the opportunity to acquire land to assist to reach that goal. The real property being acquired by TAMC has largely been the acquisition of ownership of the property underlying "rights of way" by railroads or other entities. Although TAMC owns the real property, and not merely the right to use it, for convenience sake, TAMC's properties will be referred to as "rights of way."

The Agency's original policy was adopted in 2003 and pertained only to the Monterey Branch Line. This update applies to all TAMC property and clarifies future uses of real property through leases, easements, and encroachment permits.

The updated policy will provide clear direction for administration of requests for incidental uses of all TAMC rights of way. These updated policies were adopted by the TAMC Board of Directors on June 22, 2016.

II. HISTORICAL INFORMATION RELATED TO LAND HOLDINGS

Monterey Branch Line

In 2003, the Transportation Agency purchased the Monterey Branch Line from Union Pacific Railroad for the purpose of developing a mass transportation/intercity rail service in the corridor. This \$9.3 million purchase was funded through a State Proposition 116 Rail Bond grant. That land remains in TAMC's ownership as it works to develop service in the corridor. The Monterey Branch Line right of way is subject to numerous pre-existing encroachments for such uses as street crossings, utilities, and freight spurs and pre-existing leases with private entities. In May 2003, the TAMC Board recognized that there would be requests for other encroachments and adopted an encroachment permit policy for administering encroachment requests. Further, TAMC entered into leases with private entities to use portions of the right-of-way for business purposes. The encroachment permit policy and the leases provide that these incidental uses are secondary to the Agency's ultimate rail plans, and contain termination provisions accordingly.



Proposition 116 funds are specifically intended for fixed corridor mass transit use. The grant agreement provisions, however, do allow for certain incidental uses that do not interfere with development and operation of the planned rail service. Because the fund source for the Monterey Branch Line is specific as to its purpose, actual transfer of rights via such incidental uses must be compensated at fair market value. The grant agreement specifically allows any proceeds to be used for the intended mass transit project.

Fort Ord Property

As part of the Fort Ord reuse process, TAMC was conveyed 14.96 acres of property in 2004 for future transportation uses. This property is adjacent to State Route 1 just north of 5th Street and south below 8th Street. This economic development conveyance has a great deal of flexibility in the permissible future use of the property, subject to the approval of the City of Marina, where it is located. Several warehouse buildings are on the site and are currently made available for government (fire service) and non-profit agencies that have a contract with TAMC. TAMC also allows visitors to access the Fort Ord State Beach through its property via 8th Street and along the west side of the warehouses. In 2007, TAMC was also conveyed 21.08 acres of property at the Balloon Railroad Spur located adjacent to Ft. Ord Dunes State Park property west of State Route 1.

Rail Extension to Monterey County Property

TAMC is in the process of acquiring land for its Rail Extension to Monterey County property. Over the next few years, as the project nears construction, it is anticipated that land could be acquired for parking at the Salinas Intermodal Facility, the Lincoln Avenue extension into the station, the Salinas layover facility, and at the other station locations (Castroville and Pajaro/Watsonville), as funding permits..

III. USE OF TAMC RIGHTS-OF-WAY PROPERTY

Grant Requirements

All TAMC-owned rights of way must comply with the provisions of the applicable grant funding agreement utilized to purchase the property. For instance, the Monterey Branch Line was purchased with a State Proposition 116 Rail Bond Grant. As such, that property must comply with the provisions of the Proposition 116 funding agreement.

Proposition 116 funds are specifically intended for fixed corridor intercity mass transit use. So, the primary purpose of the Monterey Branch Line right of way is for transportation uses. All other uses shall be subordinate to that purpose. TAMC will enforce this Real Property Ownership Policy so as to reinforce the primary transportation purpose of the rail right of way. This enforcement includes assuring that any adjacent development, property leases or easements support and do not hinder the use of the corridor for mass transit purposes.

The Proposition 116 grant agreement provisions do allow for certain incidental uses that do not interfere with development and operation of the planned rail service. Additionally,



under state law, any transfer of property rights (e.g., leases, use permits, easements) by TAMC to another entity, government or otherwise must be compensated at fair market value.

The Proposition 116 grant agreement specifically allows any proceeds to be used for the intended mass transit project (Monterey Branch Line). Where applicable, revenues generated from future uses of lease, easements and encroachment permits shall be used to maintain the right-of-way property and contribute to the development, operations, and maintenance of the rail service in the corridor.

To the extent that any other real property is acquired by TAMC pursuant to a grant, TAMC will comply with all requirements of that grant, including requirements that may condition or restrict the potential uses of the property and/or revenues that may be received from that property.

IV. TYPES OF INTERESTS IN TAMC RIGHTS-OF-WAY PROPERTY

Leases

The Agency may enter into a lease with an entity to occupy a portion of the TAMC right of way in order to generate revenue pending development, or to support a given TAMC development. The lease provisions shall provide for a specific term and the conditions for any extensions. It shall include a termination provision with reasonable notice under which the Agency may recover the leased area for TAMC's primary purposes. Lease provisions may restrict certain uses in order to assure that the property remains suitable for Agency purposes.

The following policies apply to leases of TAMC property:

Fair Market Value Payment: The lease terms shall require fair market value payment to TAMC.

TAMC Board Approval: Leases on the TAMC property must be approved by the Transportation Agency Board of Directors.

Termination Upon Reasonable Notice: Any leased use of TAMC property must include a provision that the lease is subject to termination upon reasonable notice so that the primary purpose of TAMC's intended use of the property may be achieved.

Easements

Easements, including utility easements, and air rights easements, may be conveyed to public or private entities. Uses shall be specifically defined as to purpose, physical space, improvements, and ongoing access and relative responsibilities between the parties. It is the Board's intention that easements may be granted only after substantial care has been exercised to determine, to the Board's satisfaction, that any physical improvements contemplated by the easement holder would not interfere with the Agency's transportation plans.



It is the Board's intention that the responsibility for relocation or damage to improvements is borne by the easement holder and that Agency exposure be minimized.

The Agency shall be compensated fair market value for conveyance of any easement.

Easements over TAMC property must be approved by the Transportation Agency Board of Directors.

Encroachment Permits

Revocable encroachment permits may be allowed over portions of the TAMC "rights of way" properties for incidental uses considered temporary. The Agency Board hereby delegates the administration of encroachment permits to staff on the following terms:

Such permits shall contain conditions regarding the specific use, term of use, liability and insurance, transferability, removal of temporary improvements at permittee's expense, and any other reasonable restrictions that protect the use of TAMC's properties for the Agency's future mass transportation project(s). The Board policy is intended to be clear that permission to use the right of way may be revoked at the Agency's election and specifically conveys no property right to the permittee.

Temporary special event banners placed on TAMC property shall require an encroachment permit and will be considered on a case by case basis. Banners shall comply with local agency ordinances and shall be removed within five (5) days after completion of the event.

The Agency may require a permit fee to offset Agency administrative costs in issuing an encroachment permit.

V. MAINTENANCE AND UPKEEP

In the event that property which is subject to a lease, easement or encroachment permit is determined by TAMC to be held in a manner that is dilapidated or creates a safety hazard, TAMC will have the right to demand repair and correction, and if compliance is not undertaken within a thirty day period, TAMC may cause the improvements to be removed in accordance with the terms of the lease, easement, or encroachment permit.

No temporary shelters of any kind shall be permitted except with the expressed written permission of TAMC.

TAMC shall undertake a regular annual weed abatement program to keep the unused sections of its property free and clear of weeds such that visibility of property is clear to insure no unwanted activities are present.

TAMC shall follow Public Utility Commission (PUC) rules governing maintenance responsibilities at railroad grade crossings with public streets, roads and highways. The agency having jurisdiction over the roadway crossing will maintain the roadway approaches and those portions of the crossing not included in TAMC responsibility.



Appendix – Maps Of TAMC Property

Figure 1 - Monterey Branch Line Property

Figure 2 - Fort Ord Property

Figure 3 - Balloon Spur Property

Figure 4 - Rail Extension to Monterey County Property

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Figure 1



Figure 2

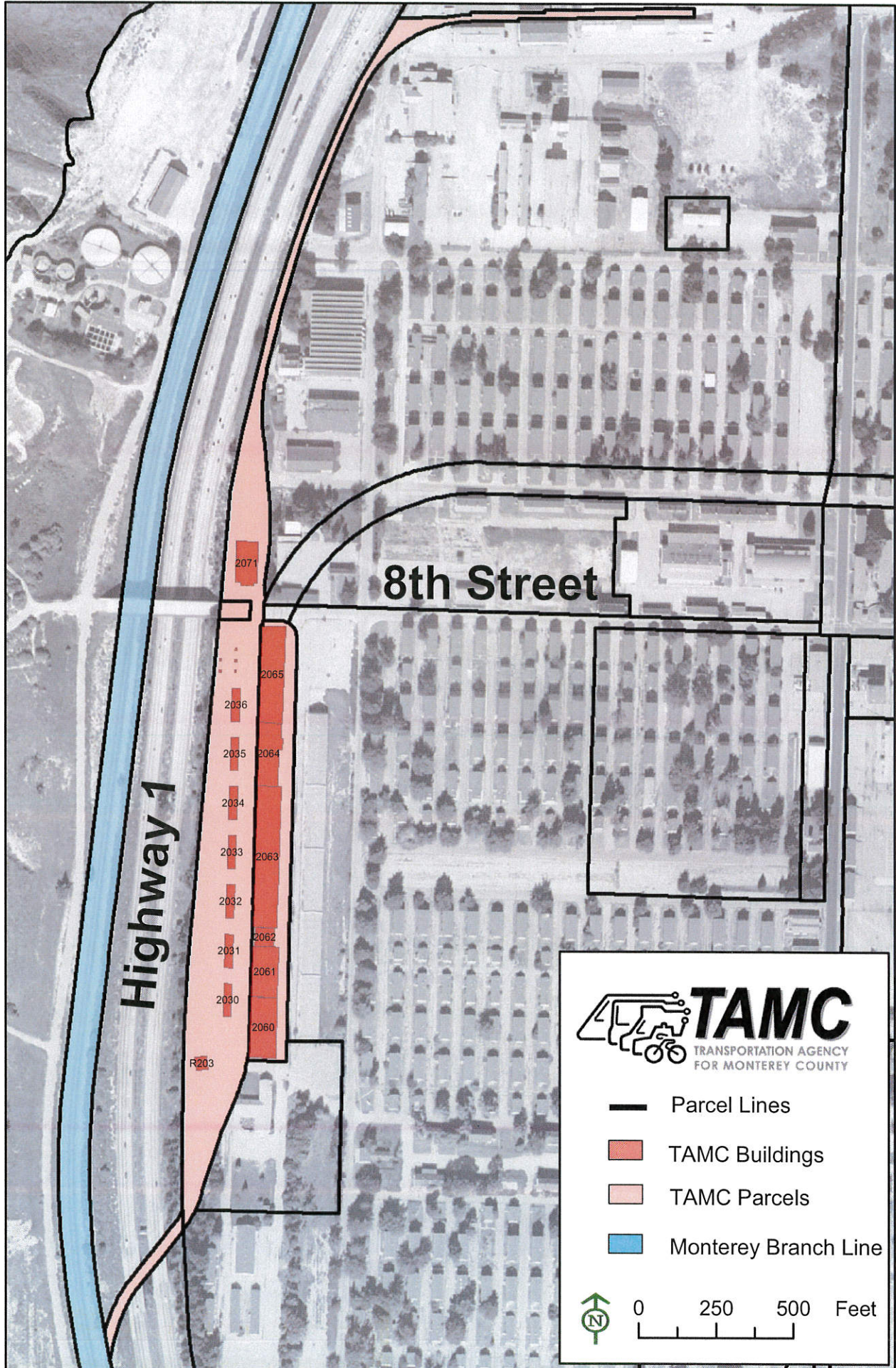
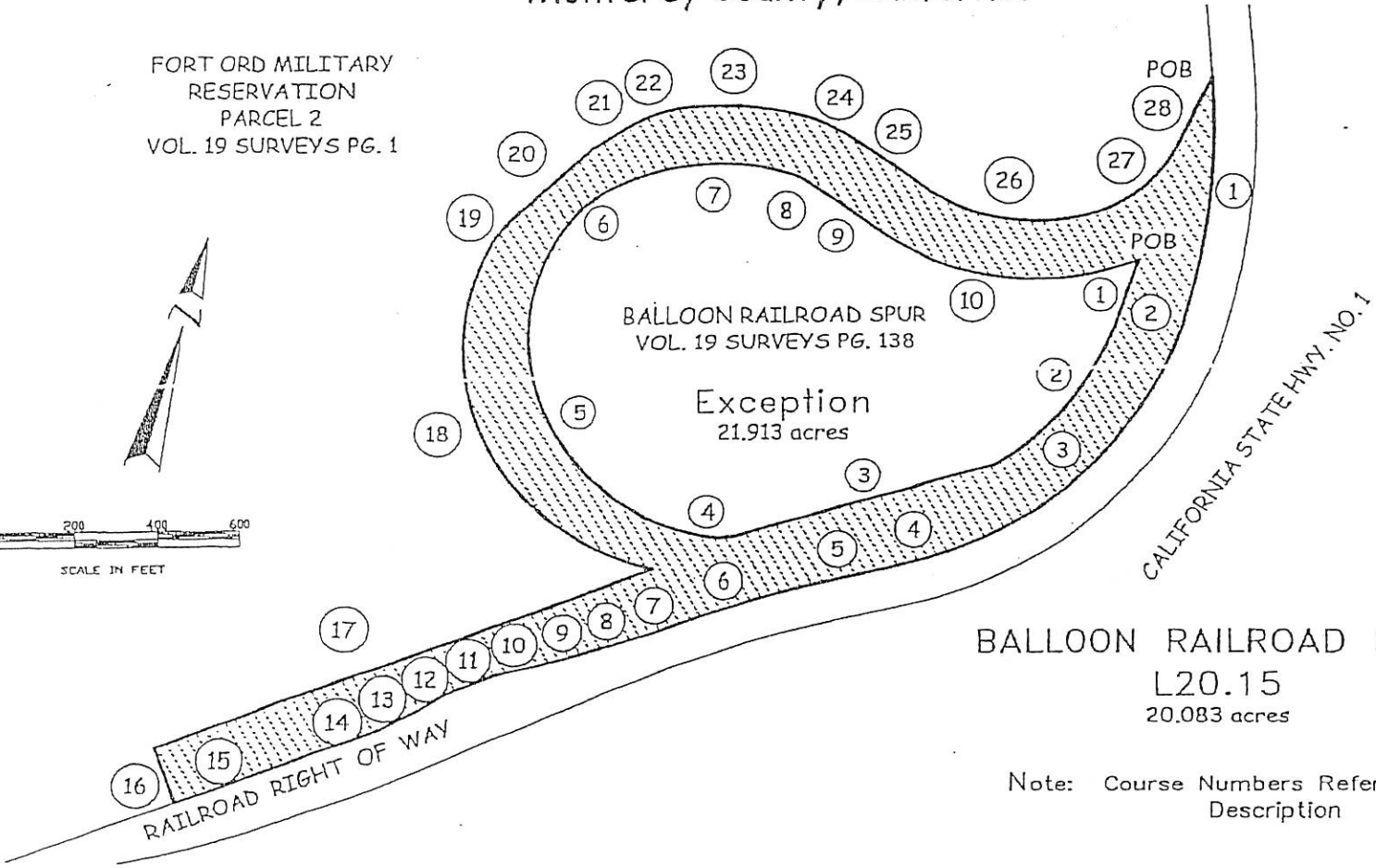
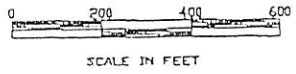


EXHIBIT
of
PARCEL L20.15 Monterey County
Fort Ord FOST 9 EDC
 Lying within the Fort Ord Military Reservation
 as shown on Vol. 19 of Surveys at Page 1
 Being also within Monterey City Lands Tract No. 1
 Monterey County, California

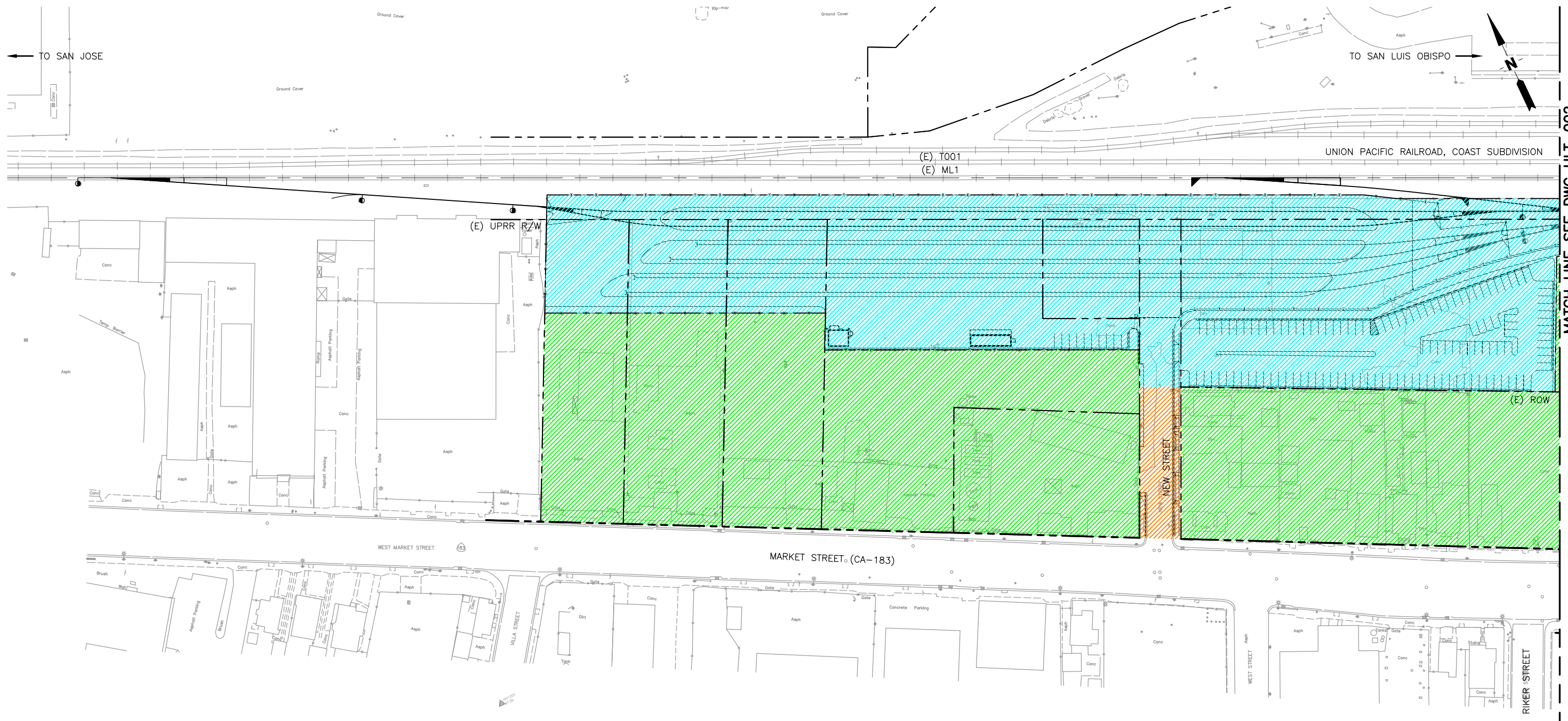
FORT ORD MILITARY
 RESERVATION
 PARCEL 2
 VOL. 19 SURVEYS PG. 1



BALLOON RAILROAD SPUR
L20.15
 20.083 acres

Note: Course Numbers Refer to the Legal Description

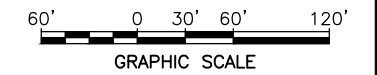
Figure 3



MATCH LINE SEE DWG ULT-002

Figure 4A

LEGEND	DESCRIPTION
	TAMC
	PRIVATE (NOT PART OF STATION EXPANSION)
	CITY OF SALINAS PUBLIC ROW
	CITY OF SALINAS



PLAN
SCALE: 1"=60'

PLANS PRINTED AT 11"x17" ARE REDUCED PLANS; USE GRAPHIC SCALE

REV	DATE	BY	SUB	APP	DESCRIPTION

TAMC
TRANSPORTATION AGENCY
FOR MONTEREY COUNTY

55-B Plaza Circle
Salinas, CA 93901

HDR
100 Pringle Avenue
Suite 400
Walnut Creek, CA 94596
925-974-2500

APPROVED

DESIGNED:
S. PATEL
DRAWN:
J. GREEN
CHECKED:
S. PATEL
DATE:

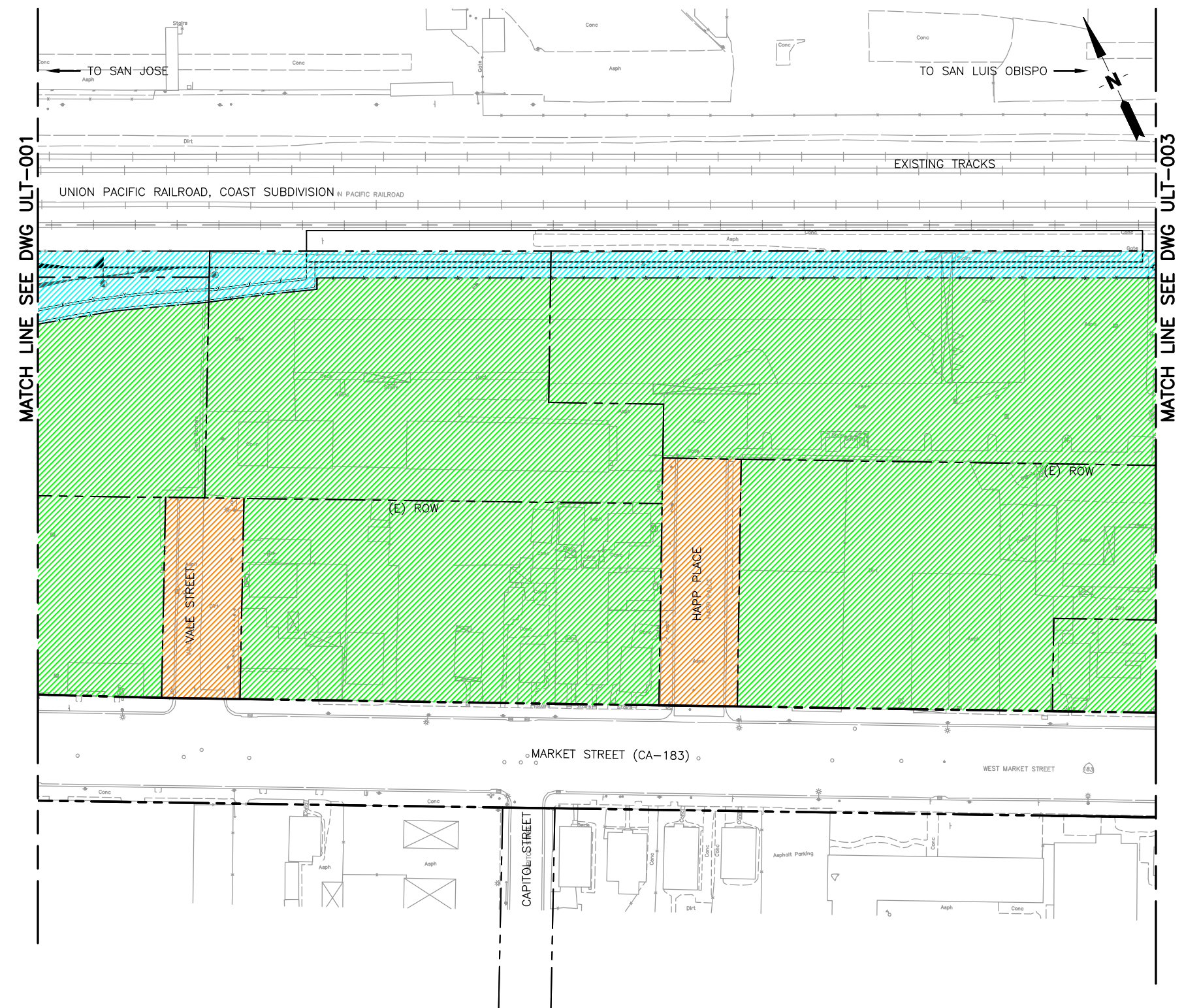
MONTEREY COUNTY COMMUTER RAIL EXTENSION PROJECT

**SALINAS COMMUTER RAIL STATION
& LAYOVER FACILITY**

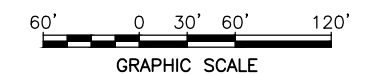
ITC PROPOSED RIGHT-OF-WAY
SHEET 1 OF 3

SCALE:
1"=60'
CONTRACT NO:
6803.2-02
DRAWING NO:
ULT-001
SHEET NO:
X OF XXX

melegel Oct 01, 2015 2:10pm C:\Users\msiege\appdata\local\temp\AcPublish_4748\Exh-3a_MOU Attachments_Salinas Overall_ROW_Plan.dwg



PLAN
SCALE: 1"=60'



PLANS PRINTED AT 11"x17" ARE
REDUCED PLANS; USE GRAPHIC SCALE

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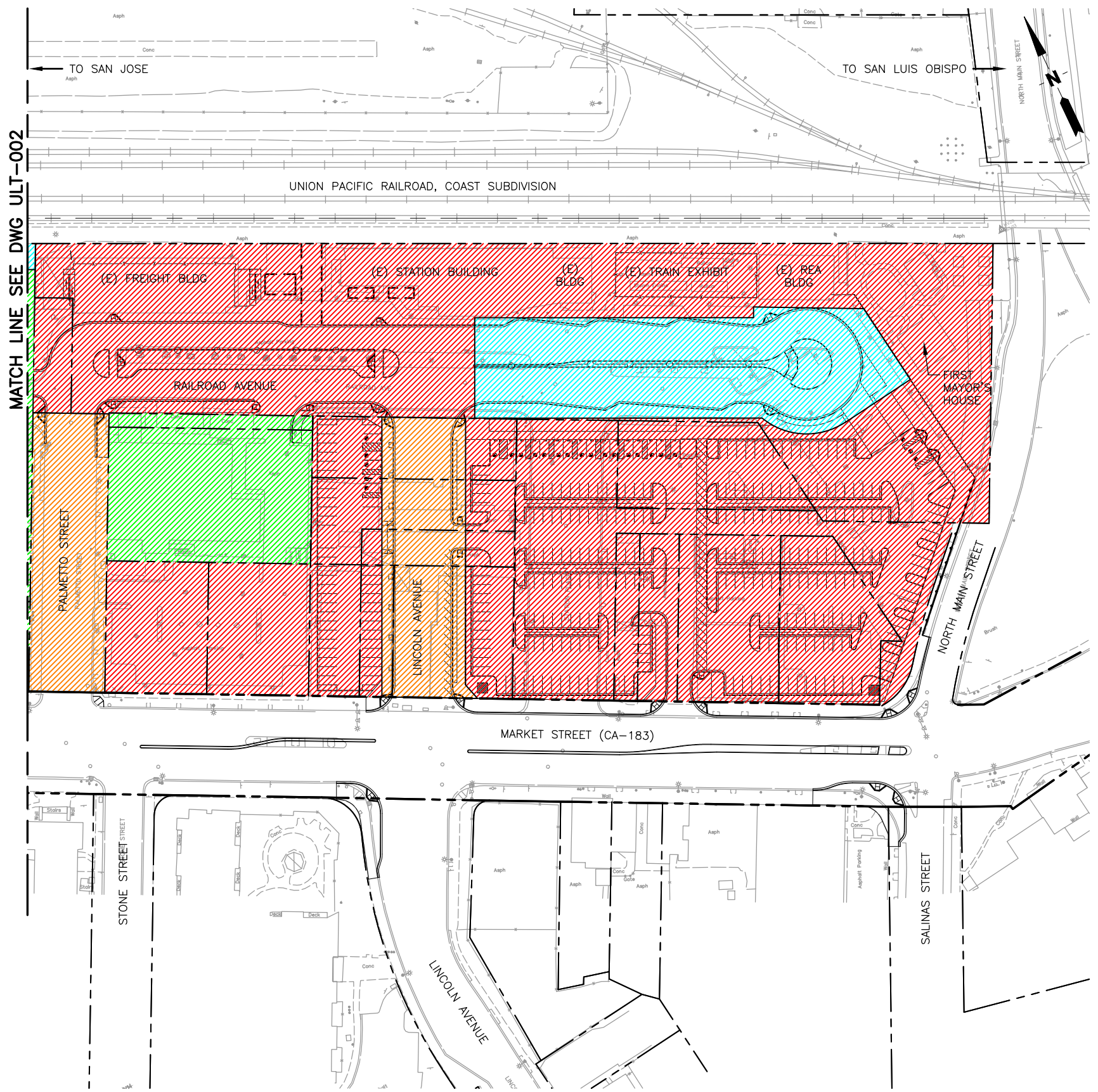
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ITC PROPOSED RIGHT-OF-WAY
SHEET 2 OF 3

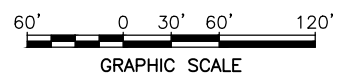
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1"=60'
CONTRACT NO:
6803.2-02
DRAWING NO:
ULT-002
SHEET NO:
X OF XXX

Figure 4B



MATCH LINE SEE DWG ULT-002

PLAN
SCALE: 1"=60'



PLANS PRINTED AT 11"x17" ARE REDUCED PLANS; USE GRAPHIC SCALE

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MONTEREY COUNTY COMMUTER RAIL EXTENSION PROJECT

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& LAYOVER FACILITY**

ITC PROPOSED RIGHT-OF-WAY
SHEET 3 OF 3

SCALE:
1"=60'
CONTRACT NO:
6803.2-02
DRAWING NO:
ULT-003
SHEET NO:
X OF XXX

Figure 4C